

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
**FEDERAL REGISTER**  
OF THE UNITED STATES  
1934

VOLUME 2  
NUMBER 217

*Washington, Tuesday, November 9, 1937*

**PRESIDENT OF THE UNITED STATES.**

**EXECUTIVE ORDER**

AMENDMENT OF EXECUTIVE ORDER OF JANUARY 17, 1873, TO PERMIT ANY OFFICER OR EMPLOYEE OF THE MUNICIPALITY OF ST. THOMAS AND ST. JOHN OR OF THE MUNICIPALITY OF ST. CROIX, VIRGIN ISLANDS, TO BE APPOINTED AS IMMIGRATION INSPECTOR FOR THE VIRGIN ISLANDS

By virtue of and pursuant to the authority vested in me by section 1753 of the Revised Statutes of the United States (U. S. C., title 5, sec. 631), and as President of the United States, the Executive Order of January 17, 1873, as amended, prohibiting, with certain exceptions, officers and employees of the United States from holding any office under any State, territorial, municipal, or other local government, is hereby further amended so as to permit any officer or employee of the Municipality of St. Thomas and St. John or of the Municipality of St. Croix, Virgin Islands, to be appointed to and hold a position as Immigration Inspector for the Virgin Islands.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
November 6, 1937.

[No. 7736]

[F. R. Doc. 37-3259; Filed, November 8, 1937; 10:56 a. m.]

**DEPARTMENT OF THE INTERIOR.**

**Bureau of Reclamation.**

**RECLAMATION WITHDRAWAL FOR CENTRAL VALLEY PROJECT,  
CALIFORNIA**

AUGUST 17, 1937

**The SECRETARY OF THE INTERIOR.**

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

CENTRAL VALLEY PROJECT, MOUNT DIABLO MERIDIAN, CALIFORNIA  
T. 35 N., R. 1 W., Section 22, E $\frac{1}{2}$ .

Respectfully,

JOHN C. PAGE, *Commissioner.*

I concur:

(<sup>1</sup>)

*Secretary of Agriculture.*

Department of the Interior, October 29, 1937. The lands described are hereby reserved as recommended and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,  
*Assistant Secretary.*

<sup>1</sup> See letter signed by the Secretary of Agriculture which follows.

OCTOBER 15, 1937.

The Honorable, THE SECRETARY OF THE INTERIOR:

DEAR MR. SECRETARY: Further reference is made to the Acting Secretary's letter of September 2, 1937, enclosing draft of a first form reclamation withdrawal dated August 17, and to this Department's reply of September 14, 1937.

The land described in the withdrawal lies outside the boundaries of the Shasta National Forest, California, but is in the Kennett Dam area of the Central Valley Project. The E $\frac{1}{2}$  Section 22, T. 35 N., R. 1 W., M. D. M., is located along Pit River at the mouth of Roaring and Hatchet Creeks. It is quite rough and is inaccessible except for trails. It is principally valuable as a protection type, and for recreation in that good fishing is to be had. The lower portion of the area, bordering Pit River on both sides, is approximately at the 1,200-foot contour. Thus, it will be a few miles upstream from the reservoir level. Should a mine be located within the area, pollution of the streams would doubtless occur as well as silting of the Shasta Reservoir. This Department, therefore, concurs in the withdrawal of the land from entry under the Act of June 17, 1902 (32 Stat., 388).

Sincerely yours,

H. A. WALLACE, *Secretary.*

[F. R. Doc. 37-3253; Filed, November 6, 1937; 9:45 a. m.]

**Division of Grazing.**

**ARIZONA GRAZING DISTRICT No. 2**

**MODIFICATION**

NOVEMBER 3, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of March 6, 1936, establishing Arizona Grazing District No. 2 is hereby revoked as far as it affects the following-described land:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 14 W.,  
sec. 4, lot 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 5, lot 1.

CHARLES WEST,

*Acting Secretary of the Interior.*

[F. R. Doc. 37-3250; Filed, November 6, 1937; 9:44 a. m.]

**WITHDRAWAL OF PROPOSED MILK RIVER GRAZING DISTRICT  
VACATED**

**MONTANA**

NOVEMBER 4, 1937.

Under authority of the Departmental order of August 22, 1934, pursuant to section 1 of the act of June 28, 1934, (48 Stat. 1269), notice was published on September 2, 1934, that a





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hearing would be held at Malta, Montana, on December 4, 1934, for the purpose of establishing a grazing district to include the following-described lands:

### MONTANA

#### MONTANA MERIDIAN

##### Blaine County

Ts. 23 to 37 N., Rs. 17 to 21 E., inclusive.  
 Ts. 23 and 24 N., R. 22 E.  
 Ts. 25 to 32 N., inclusive, R. 22 E., exclusive of Fort Belknap Indian Reservation.  
 Ts. 33 to 37 N., inclusive, R. 22 E.  
 T. 32 N., R. 23 E., exclusive of Fort Belknap Indian Reservation.  
 Ts. 33 to 37 N., inclusive, R. 23 E.  
 Ts. 31 and 32 N., R. 24 E., exclusive of Fort Belknap Indian Reservation.  
 Ts. 33 to 37 N., inclusive, R. 24 E.  
 T. 31 N., R. 25 E., exclusive of Fort Belknap Indian Reservation.  
 Ts. 32 to 37 N., inclusive, R. 25 E.  
 Ts. 31 to 37 N., inclusive, R. 26 E.

##### Phillips County

Ts. 23 to 25 N., inclusive, R. 22 E.  
 Ts. 22 to 25 N., inclusive, R. 23 E.  
 Ts. 21 to 25 N., inclusive, R. 24 E., exclusive of Jefferson National Forest.  
 Ts. 21 to 25 N., inclusive, R. 25 E., exclusive of Jefferson National Forest and Fort Belknap Indian Reservation.  
 Ts. 21 to 24 N., inclusive, R. 26 E.  
 Ts. 25 to 31 N., inclusive, R. 26 E., exclusive of Fort Belknap Indian Reservation.  
 Ts. 32 to 34 N., inclusive, R. 26 E.  
 T. 24 N., R. 26½ E.  
 Ts. 21 to 37 N., Rs. 27 to 29 E., inclusive.  
 Ts. 20 to 37 N., inclusive, R. 30 E.  
 Ts. 21 to 37 N., inclusive, R. 31 E.  
 Ts. 22 to 37 N., inclusive, Rs. 32 and 33 E.  
 Ts. 30 to 37 N., inclusive, R. 34 E.  
 T. 32 N., R. 35 E.

##### Valley County

Ts. 22 to 32 N., inclusive, R. 34 E.  
 Ts. 22 to 37 N., inclusive, Rs. 35 to 38 E.  
 Ts. 23 to 37 N., inclusive, Rs. 39 and 40 E.  
 Ts. 25 to 37 N., inclusive, R. 41 E.  
 Ts. 26 to 37 N., inclusive, R. 42 E.  
 Ts. 26 to 35 N., inclusive, R. 43 E.  
 Ts. 26 to 32 N., inclusive, Rs. 44 and 45 E.

The publication of such notice had the effect, in accordance with the provisions of the aforesaid act, of withdrawing all public lands within the exterior boundaries of the proposed district from all forms of entry and settlement.

All of the above lands in Blaine and Phillips Counties and in part of Valley County are included in Montana Grazing District No. 1. It has been determined that the remaining lands are not appropriate for administration in a grazing district under the Taylor Grazing Act. The withdrawal therefore is hereby vacated as to the following-described lands:

##### Valley County

T. 33 N., R. 39 E., That part east of Porcupine Creek.  
 T. 34 N., R. 39 E., That part east of Porcupine Creek and south of the north boundary of former Fort Peck Indian Reservation.  
 Ts. 31 and 32 N., R. 40 E., Those parts east of Porcupine Creek.  
 T. 33 N., R. 40 E.  
 T. 34 N., R. 40 E., That part south of the north boundary of former Fort Peck Indian Reservation.  
 Ts. 28, 29, 30, and 31 N., R. 41 E., Those parts east of Porcupine Creek.  
 Ts. 32 and 33 N., R. 41 E.  
 T. 34 N., R. 41 E., That part south of the north boundary of former Fort Peck Indian Reservation.  
 T. 26 N., R. 42 E.  
 T. 27 N., R. 42 E., That part east of Milk River and Porcupine Creek.  
 T. 28 N., R. 42 E., That part east of Porcupine Creek.  
 Ts. 29 to 33 N., inclusive, R. 42 E.  
 T. 34 N., R. 42 E., That part south of the north boundary of former Fort Peck Indian Reservation.  
 Ts. 26 to 33 N., inclusive, R. 43 E.  
 T. 34 N., R. 43 E., That part south of the north boundary of former Fort Peck Indian Reservation.  
 Ts. 26 to 32 N., inclusive, Rs. 44 and 45 E.

CHARLES WEST,  
 Acting Secretary of the Interior.



## General Land Office.

## STOCK DRIVEWAY NO. 11, MONTANA NO. 1, ENLARGED

OCTOBER 26, 1937.

It appearing from examination that the following-described public lands should be included in Stock Driveway Withdrawal No. 11, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and of section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

## PRINCIPAL MERIDIAN

T. 15 S., R. 10 W.,  
 sec. 4, SE $\frac{1}{4}$ ;  
 sec. 9, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ ;  
 sec. 10, W $\frac{1}{2}$ ;  
 sec. 15, W $\frac{1}{2}$  W $\frac{1}{2}$ ;  
 sec. 22, W $\frac{1}{2}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
 aggregating 960 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

CHARLES WEST, *Under Secretary.*

[F. R. Doc. 37-3252; Filed, November 6, 1937; 9:45 a. m.]

## STOCK DRIVEWAY WITHDRAWAL NO. 64, NEW MEXICO NO. 11, REDUCED

NOVEMBER 1, 1937.

Departmental order of February 12, 1919, which withdrew certain lands in New Mexico for stock driveway purposes under section ten of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked so far as it affects the following-described public land:

## NEW MEXICO PRINCIPAL MERIDIAN

T. 13 N., R. 12 E.,  
 sec. 7, NE $\frac{1}{4}$  SW $\frac{1}{4}$ , lots 3 and 4, 101 acres.

OSCAR L. CHAPMAN, *Assistant Secretary.*

[F. R. Doc. 37-3254; Filed, November 6, 1937; 9:46 a. m.]

## DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Administration.

## SUGAR ACT OF 1937

## NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICER

Pursuant to the authority contained in Sections 301 (b) and (d) and 511 of The Sugar Act of 1937, (Public No. 414, 75th Congress)

Notice is hereby given that a public hearing will be held at Honolulu, Territory of Hawaii, in the Conference Room of the Honolulu Chamber of Commerce, Dillingham Building, on November 29, 1937, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture, in determining, (1) pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of the 1937 crop of sugarcane on farms with respect to which applications for payments under the said act are made; and, (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for sugarcane to be paid by processors who, as producers, apply for payments under the said act.

Carl B. Robbins and George W. Mills are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Done at Washington, D. C., this 6th day of November, 1937.  
 Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
*Secretary of Agriculture.*

[F. R. Doc. 37-3258; Filed, November 6, 1937; 12:20 p. m.]

## 1938 RANGE CONSERVATION PROGRAM BULLETIN

## CONTENTS

- Section 1. Rates of Range-Building Payments.  
 2. Range-Building Allowance.  
 3. Conditions of Payment.  
 4. Changes in Leasing Arrangements and Other Devices.  
 5. Eligibility for Payment.  
 6. Materials Furnished as Grants of Aid.  
 7. Payment Restricted to Effectuation of the Purposes of the Program.  
 8. Payments Computed and Made Without Regard to Claims.  
 9. Association Membership and Deduction for Expenses.  
 10. Establishment of Grazing Capacities.  
 11. Determination of County in Which a Ranching Unit is Located.  
 12. Appeals.  
 13. Instructions and Forms.  
 14. Definitions.

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in rates of payments made because of the extent of participation in the Agricultural Conservation Program, including the Range Conservation Program, is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Range Conservation Program contained in this bulletin are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special programs under said Act are approved for 1938 by the Secretary of Agriculture; and (3) public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

SECTION 1. *Rates of range-building payments.*—Within the limits of the range-building allowance, payment will be made for carrying out on range land in 1938 such of the following range-building practices as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution.

*Practices and Conditions of Payment—Rate*A. *Reseeding of range land.*—

1. *Natural reseeding by deferred grazing.*—For withholding 25 percent of the range land in the ranching unit from grazing for the period from the start of forage growth to seed maturity, established by the State committee and approved by the Regional Director: *Provided* (1) If grazing is deferred on less than 25 percent of the range land in the ranching unit, a proportionate payment will be made; (2) On ranching units on which cattle or horses are grazed



the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) On ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) Such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of forage growth to seed maturity; (6) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranching unit previous to the carrying-out of such practice; and (7) The ranch operator complies with such other conditions or specifications as may be established by the county committee with the approval of the State committee, including the increase of the area to be withheld from grazing to as much as 40 percent of the range land, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation: Sixty percent of the range-building allowance, provided such rate shall not exceed the equivalent of \$1.25 per animal unit of grazing capacity.

2. *Artificial reseeding.*—For reseeding depleted range land with good seed of adapted varieties of range grasses or forage shrubs: 20 cents per pound of seed sown, but not in excess of \$2.00 per acre.

#### B. Erosion and run-off control.—

3. *Contour listing, furrowing, or sub-soiling.*—For listing, furrowing, or sub-soiling range land on the contour: 50 cents per acre.

4. *Spreader dams and terraces.*—Spreader dams and terraces constructed in combination with each other for the diversion of surface water to prevent soil washing of range land: 15 cents per cubic yard for material moved in building the dams, and 40 cents per 100 linear feet of terraces constructed.

#### C. Development of stock water on range land.—

5. *Earthen tanks or reservoirs.*—For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock: 15 cents per cubic yard of fill or excavation.

6. *Concrete or rubble masonry dams.*—For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock: \$6.00 per cubic yard of concrete or rubble masonry.

7. *Wells.*—i. For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranching unit headquarters: \$2.00 per linear foot.

ii. For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at ranching unit headquarters: \$1.00 per linear foot.

8. *Development of natural watering places.*—For developing springs or seeps, protecting the source from trampling and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank, for the purpose of

providing water for range livestock: 40 cents per cubic foot for excavation in soil or gravel, and 70 cents per cubic foot for excavation in rock.

#### D. Planting and maintaining a stand of trees.—

9. *Tree planting.*—Planting of trees on range land, provided that the trees are planted in 1938 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock: \$10.00 per acre.

10. *Cultivating and maintaining a stand of trees.*—Cultivating, protecting, and maintaining by replanting if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings, planted between January 1, 1934 and January 1, 1938: \$4.00 per acre.

#### E. Conservation of range lands through the elimination of destructive plants.—

##### 11. *Prickly pear and cactus.*—

- (a) Light infestation: \$0.50 per acre.
- (b) Medium infestation: \$0.75 per acre.
- (c) Heavy infestation: \$1.00 per acre.

##### 12. *Mesquite.*—

- (a) Light infestation: \$0.50 per acre.
- (b) Medium infestation: \$1.00 per acre.
- (c) Heavy infestation: \$2.00 per acre.

##### 13. *Cedar.*—

- (a) Light infestation: \$0.75 per acre.
- (b) Medium infestation: \$1.00 per acre.
- (c) Heavy infestation: \$1.50 per acre.

##### 14. *Lechuguilla.*—

- (a) Heavy infestation: \$0.60 per acre.

#### F. Fire guards.—

15. For the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit: \$0.50 per 100 linear feet.

SEC. 2. *Range-building allowance.*—(a) In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon, Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: *Provided, however,* That in either area the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

(b) In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The mountain counties in which this additional allowance is made shall be those counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the Regional Director determines the reseeding and erosion control practices specified in Section 1 to be necessary and effective in promoting range conservation. *Provided, however,* That neither the grazing capacity nor the acreage of mountain meadow land for which this additional allowance is made shall be considered in calculating the portion of the range-building allowance provided for in subsection (a).



**SEC. 3. Conditions of payment.**—The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to the specifications prescribed by the State committee and approved by the Regional Director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 4 of Bulletin ACP-1938. Where a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, payment will be made for the proportion of the total acreage of the practice, not exceeding the proportion of the total cost, not furnished by the Federal or State agency. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration.

**SEC. 4. Changes in leasing arrangements and other devices.**—No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold from the person participating in such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Range Conservation Program.

**SEC. 5. Eligibility for payment.**—Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentage of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

**SEC. 6. Materials furnished as grants of aid.**—Wherever it is found practicable, trees, seeds, and other material may upon request of the ranch operator(s) be furnished by the Agricultural Adjustment Administration as grants of aid in lieu of payments. Wherever such materials are furnished, the range-building allowance will be reduced by the amount of the payment which otherwise would be computed with respect to the practices in connection with which the materials so furnished are used.

**SEC. 7. Payment restricted to effectuation of the purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Range

Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the Regional Director.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1938.

**SEC. 8. Payments computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

**SEC. 9. Association membership and deduction for expenses.**—Any ranch operator who previously has not, in accordance with the Articles of Association, become a member of the County Agricultural Conservation Association of the county in which his ranching unit or units are located shall become a member thereof by signing an application under which a payment can be made with respect to any such ranching unit. Any person shall cease to be a member of the association when it becomes evident that he cannot qualify for a payment in the county in connection with the 1938 Range Conservation Program.

There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act.

**SEC. 10. Establishment of grazing capacities.**—There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

**SEC. 11. Determination of county in which a ranching unit is located.**—A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

**SEC. 12. Appeals.**—Any ranch operator who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting his ranching unit may, within 15 days after being notified thereof, request the county committee in writing to reconsider the recommendation or determination: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its de-



cision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall, within 30 days after the receipt of the appeal, inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the Regional Director to review the decision of the State committee.

**Sec. 13. Instructions and forms.**—The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1938 Range Conservation Program. Such instructions shall include provision for the rounding of fractions in connection with grazing capacities and the acreages or units of range-building practices and shall provide for calculating the net payment to any person to the nearest whole dollar, fractions of 50 cents or less to be dropped and fractions of more than 50 cents to be considered as \$1.00.

**Sec. 14. Definitions.**—For the purposes of the 1938 Range Conservation Program,

*Secretary* means the Secretary of Agriculture of the United States.

*North Central Region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*Western Region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

*Regional Director* means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the region.

*State Committee* means the group of persons designated for any State to assist in the administration of the 1938 Agricultural Conservation Program in such State.

*County Committee* means the group of persons elected for any county to assist in the administration of the 1938 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

*Range-Building Payment* means a payment for the carrying out of one or more approved range-building practices.

*Range-Building Allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch Operator* means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

*Range land* means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

*Ranching Unit* means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land.

*Animal Unit* means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

*Grazing Capacity of Range Land* means the number of animal units which such lands will sustain, on a twelve-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Done at Washington, D. C., this 6th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-3256; Filed, November 6, 1937; 12:20 p. m.]

NER—B-101—Pennsylvania, Supplement (17)

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—PENNSYLVANIA, SUPPLEMENT (17)

*Changing of the Date Prior to Which Lime and Superphosphate can be Applied in Preparation for Seeding Grasses or Legumes in 1938*

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—Pennsylvania,<sup>1</sup> as amended by Supplements (1) to (16), inclusive, is hereby further amended by striking out the matter in the first paragraph under the heading "Applying Lime and Superphosphate in Preparation for Seeding Grasses or Legumes", which reads as follows:

"Applying either (1) between July 15 and October 31, 1937, at least the following amounts of the following materials or their equivalents<sup>1</sup> per acre, to crop land, or (2) lime at any time in 1937 before October 31 to land which has been or is to be seeded in 1937 to buckwheat, provided that after the removal of the buckwheat the land is disked or harrowed (not plowed) and is afterward in 1937 sown to wheat or rye, if the county committee determines that such application is made in preparation for seeding such crop land to legumes or to a grass or legume mixture in the spring of 1938."

and inserting in lieu thereof the following:

Applying either (1) between July 15 and December 1, 1937, at least the following amounts of the following materials or their equivalents<sup>1</sup> per acre, to cropland, or (2) lime at any time in 1937 before December 1 to land which has been or is to be seeded in 1937 to buckwheat, provided that after the removal of the buckwheat the land is disked or harrowed (not plowed) and is afterward in 1937 sown to wheat or rye, if the county committee determines that such application is made in preparation for seeding such cropland to legumes or to a grass or legume mixture in the spring of 1938.

Done at Washington, D. C., this 6th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc. 37-3257; Filed, November 6, 1937; 12:20 p. m.]

# FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Project No. 1442]

APPLICATION OF THE ACME ENGINEERING SERVICE, INC. FOR PRELIMINARY PERMIT

ORDER SETTING HEARING

Upon its own motion the Commission orders that the hearing set for November 12, 1937, on the application filed June 25, 1937, by The Acme Engineering Service, Inc., for a preliminary permit for project No. 1442 to consist of three dams and two power plants, all on the Salamonie River in

<sup>1</sup> 2 F. R. 312 (DI).



Wabash and Huntington Counties, Indiana, be postponed to Monday, November 29, 1937 beginning at 10 a. m., to be held in the Commission's hearing room Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Adopted by the Commission on November 5, 1937.

[SEAL]

LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 37-3249; Filed, November 6, 1937; 9:44 a. m.]

## FEDERAL TRADE COMMISSION.

### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March; Ewin L. Davis; Robert E. Freer.

[Docket No. 3135]

IN THE MATTER OF RALPH DEWBERRY, TRADING AND DOING BUSINESS AS DEWBERRY ENGRAVING COMPANY AND THE NATIONAL ENGRAVING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Edward J. Hornibrook, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 12, 1937, at ten o'clock in the forenoon of that day, central standard time, at the office of Stokely, Scrivner, Dominick & Smith, 8th Floor, First National Bank Building, Birmingham, Alabama.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-3255; Filed, November 6, 1937; 10:28 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1937.

[File No. 43-86]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF TEXAS

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Public Service Corporation of Texas, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it to Keystone Pipe & Supply Company of 4,800 shares of 6% preferred stock at \$90 per share and 70,000 shares of no par common stock, 40,000 shares thereof at \$1.00 per share pursuant to option and 30,000 thereof at \$1.60, for the purpose of liquidating debts owed to said Keystone Pipe & Supply Company in the amount of \$467,478.01 by declarant and in the amount of \$52,945.84 by Mobeetie Gas Company, a subsidiary of declarant.

It is ordered, That a hearing on such matter be held on November 30, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 24, 1937.

It is further ordered, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3262; Filed, November 8, 1937; 12:34 p. m.]

### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1937.

[File No. 43-87, 51-6]

IN THE MATTER OF WEST TEXAS GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

Declarations having been duly filed with this Commission, by West Texas Gas Company, a subsidiary of Southwestern Development Company, a registered holding company, pursuant to Sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935, for the waiver of the sinking fund requirement for 1938 on South Plains Pipe Line Company First Mortgage and Collateral Trust 15-Year 6% Sinking Fund Bonds assumed by the declarant (all of which are owned by Southwestern Development Company, a registered holding company) to enable the declarant to declare and pay a dividend on its common stock which dividend is to be declared and paid out of capital or unearned surplus;

It is ordered, That a hearing on such matter be held on November 23, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 18, 1937.

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, mem-



oranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3263; Filed, November 8, 1937; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of November, 1937.

[File No. 1-59]

IN THE MATTER OF AMERICAN ZINC LEAD & SMELTING COMPANY  
\$6 CUMULATIVE PREFERRED STOCK, \$25 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND  
REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the \$6 Cumulative Preferred Stock, \$25 Par Value, of American Zinc Lead & Smelting Company; and

After appropriate notice,<sup>1</sup> a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 15, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3265; Filed, November 8, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of November, 1937.

[File No. 1-1012]

IN THE MATTER OF WARNER QUINLAN COMPANY COMMON STOCK,  
NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND  
REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Warner Quinlan Company; and

After appropriate notice,<sup>2</sup> a hearing having been held in this matter; and

<sup>1</sup> 2 F. R. 2295 (DI).

<sup>2</sup> 2 F. R. 2622 (DI).

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 15, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3264; Filed, November 8, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D., 1937.

[File No. 43-69]

IN THE MATTER OF NORTHERN STATES POWER COMPANY

ORDER REFUSING TO PERMIT DECLARATION TO BECOME EFFECTIVE

Northern States Power Company, a Minnesota corporation and a registered holding company, having duly filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the proposed reclassification of its outstanding 275,000 shares of Cumulative Preferred Stock, \$5 Series, into a like number of shares of Preferred Stock, \$5 Cumulative Series, each share of such new preferred stock (1) to be convertible on or before September 2, 1947, at the option of the holder, into four shares of common stock of declarant, subject to adjustment in accordance with the proposed amendment to declarant's articles of incorporation, and (2) to be subject to provisions whereby declarant would be obligated to reimburse the owner of any shares of such preferred stock for any taxes (other than estate, succession, income and inheritance taxes) that are or may be imposed or paid under the laws of Pennsylvania upon such shares or upon such owner as a resident of Pennsylvania by reason of the ownership of such shares, not exceeding, however, in any year five mills upon each dollar of the taxable value of such shares; and such declaration and amendments being also with respect to the proposed issue and sale by declarant of such preferred stock, as thus reclassified, in exchange for the outstanding preferred stock of declarant, and also the proposed issue and sale by declarant of such additional amount of common stock, not exceeding 1,100,000 shares, as may be needed upon the exercise of such conversion privileges as aforesaid;

Hearings on such amended declaration having been duly held after appropriate notice;<sup>1</sup> it having been stipulated that the matter be submitted to the Commission for final determination on the basis of the record of the proceedings and the arguments of counsel, the issuance of an order to show cause being waived; the Commission having heard oral argument on behalf of the declarant; having examined the record in this matter; and having made and filed its findings herein;

*It is ordered*, That the Commission hereby refuses to permit said declaration to become effective.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3261; Filed, November 8, 1937; 12:34 p. m.]

<sup>1</sup> 2 F. R. 2192 (DI).